

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1455 (LPS)
)	
EMC CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS EMC CORP. AND VMWARE INC.'S
JOINDER IN MOTION TO BIFURCATE**

In the interest of conserving judicial resources, Defendants EMC Corp., EMC International U.S. Holdings, Inc. and VMware, Inc. hereby join in, and incorporate by reference in this proceeding, the Motion to Bifurcate Damages from Liability and to Stay Damages-Related Fact and Expert Discovery filed by Defendants Google Inc., Motorola Mobility LLC, Amazon.com, Amazon Web Services LLC, Rackspace Hosting, Inc., Rackspace US, Inc., and Jungle Disk, LLC in C.A. Nos. 12-639 (D.I. Nos. 113 and 114), 12-1078 (D.I. Nos. 103 and 104), 12-641 (D.I. Nos. 126 and 127), and 12-675 (D.I. Nos. 132 and 133).

This case shares the same complexity as the cases cited above. Clouding asserts seven patents against EMC and accuses six of EMC's products of infringement. D.I. No. 1 (Complaint). Clouding also asserts eight patents against VMware and accuses six of VMware's products of infringement. *Id.* Some of the Defendants' products are alleged to infringe more than one patent (*see, e.g., id.* at ¶¶ 13 and 18), and some of the patents are asserted against more than one product. *See, e.g., id.* at ¶ 18. The arguments set forth in the aforementioned motion relating to the merits of bifurcating liability and damages for both trial and discovery apply equally to this case. For the reasons stated in those motions, EMC and VMware request that the

Court bifurcate the liability and damages portions of this case, and stay damages-related discovery pending the resolution of liability issues.

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December 20, 2013

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RULE 7.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff, and that the parties have not been able to reach agreement.

/s/ Paul Saindon

Paul Saindon (#5110)

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 20, 2013, upon the following in the manner indicated:

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